

250)

REPEALS:

35A-3-602, as last amended by Laws of Utah 2008, Chapter 382

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **35A-3-101** is amended to read:

35A-3-101. Title.

~~[(1)]~~ This chapter ~~[shall be]~~ is known as the "Employment Support Act."

~~[(2)] A person eligible for employment assistance under Chapter 3 or 5 shall receive any assistance under the applicable chapter, including stabilization, assessment, training, or placement, through the department in accordance with Chapter 2, Part 2, Service Delivery.]~~

Section 2. Section **35A-3-102** is amended to read:

35A-3-102. Definitions.

~~[Unless otherwise specified, as]~~ As used in this chapter:

(1) "Adjudicative proceeding" has the same meaning as defined in Section 63G-4-103.

(2) "Administrative order" means an order issued by the department that addresses an overpayment of public assistance.

~~[(1)]~~ (3) "Applicant" means a person who requests assistance under this chapter.

(4) "Assignment of support" means the transfer to the ~~the~~ [department of a recipient's rights

to receive some or all of the recipient's child support payments] state of a recipient's right to receive support from another person that accrues during the period the recipient receives public assistance, including a right to receive support on behalf of any family member for whom the recipient is applying for or receiving assistance ~~the~~ .

~~[(2)]~~ (5) "Average monthly number of families" means the average number of families who received cash assistance on a monthly basis during the previous federal fiscal year.

~~[(3)]~~ (6) "Cash assistance" means ~~[a]~~ the monthly dollar amount ~~[of cash a client]~~ a recipient is eligible to receive under the Family Employment Program under Section 35A-3-302.

~~[(4)]~~ (7) "Child care services" means care of a child by a responsible person who is not the child's parent or legal guardian, for a portion of the day that is less than 24 hours in a qualified setting, as defined by ~~[rule, by a responsible person who is not the child's parent or legal guardian]~~ rules made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(8) (a) "Civic organization" means an organization that provides services to its

Section 8. Section **35A-3-108** is amended to read:

35A-3-108. Assignment of support.

(1) (a) ~~[The division shall obtain]~~ An applicant shall provide an assignment of support ~~[from each applicant or client]~~ to the department regardless of whether the payment is court ordered.

(b) Upon the receipt of public assistance, any right of the recipient to receive support from another person passes to the ~~Ĥ→ [f] state, [t] [department,]~~ ~~←Ĥ~~ including a right to support on behalf of

any family member for whom the recipient is applying for or receiving assistance, even if the ~~[client]~~ recipient has not executed and delivered an assignment of support to the ~~[division]~~ department as required by Subsection (1)(a).

~~[(c) The right to support described in Subsection (1)(b) includes a right to support in the applicant's or client's own behalf or in behalf of any family member for whom the applicant or client is applying for or receiving assistance.]~~

(2) An assignment of support, or a ~~[passing of rights under Subsection (1)(b)]~~ right to receive support passed to the ~~Ĥ→ [department] state ←Ĥ~~ state, includes payments ordered, decreed, or adjudged by

~~[any]~~ a court within this state, ~~[any other]~~ another state, or a territory of the United States and is not in lieu of, and does not supersede or alter, any other court order, decree, or judgment.

(3) When an assignment of support is executed or the right to support passes to the ~~Ĥ→ [department] state ←Ĥ~~ state under ~~[Subsection (1)(b), the applicant or client]~~ this section, the recipient is

eligible to regular monthly assistance and the support paid to the ~~[division]~~ ~~Ĥ→ [department]~~ state ←Ĥ is a refund.

(4) All ~~[sums]~~ money refunded under this section shall be deposited into the General Fund, except any amount which is required to be credited to the federal government~~[, shall be deposited into the General Fund]~~.

(5) ~~Ĥ→ [f] On [t] [Except for support already received by the department, on]~~ ~~←Ĥ~~ and after the date a

~~Ĥ→ [family] recipient ←Ĥ~~ stops receiving cash assistance, an assignment of support under ~~[Subsection (1)]~~ this

section does not apply to ~~[any]~~ support that accrued before the ~~Ĥ→ [family] recipient ←Ĥ~~ received ~~[such]~~ the ~~Ĥ→ cash ←Ĥ~~

303 assistance [~~if the department has not collected the support by the date the family stops~~
304 ~~receiving cash assistance, if the assignment is executed on or after October 1, 1998]~~ ~~H→~~ [:] if:
304a (a) the state has not collected the support by the date the recipient stops receiving cash
304b assistance; and
304c (b) the assignment was executed on or after October 1, 1998. ~~←H~~
305 (6) The ~~H→~~ [department] state ~~←H~~ shall distribute ~~H→~~ [f] arrearages [f] [overdue or
305a unpaid amounts] ~~←H~~ to
306 [families] a recipient in accordance with the requirements of the Social Security Act, 42 U.S.C.

307 Sec. 657.

308 (7) ~~[The total amount of]~~ When an assignment of support includes child support, ~~the~~ **H→** [the
 309 **department may not collect more]** the total amount of ~~the~~ **←H** child support [assigned to the
 309a department and collected]
 310 **H→** [payments] assigned to the state and collected ~~the~~ **←H** under this section **H→** [f] may not
 310a exceed [f] ~~than~~ **←H** the total amount of cash assistance
 311 **H→** [f] received by the recipient [f] [provided to the recipient] ~~the~~ **←H** .

312 Section 9. Section **35A-3-109** is amended to read:

313 **35A-3-109. Assistance provided to guardian or other caretaker -- Periodic review.**

314 (1) ~~[When it appears necessary or advisable,]~~ At the discretion of the department, the
 315 department may pay the public assistance ~~[may be paid]~~ to the legal guardian of ~~[an applicant~~
 316 ~~or client]~~ a recipient.

317 (2) The ~~[division]~~ department may only provide cash assistance on behalf of an eligible
 318 recipient under Part 3, Family Employment Program, ~~[on behalf of an eligible client,]~~ to
 319 another individual interested in or concerned with the welfare of the ~~[client only when]~~
 320 recipient if:

321 (a) by reason of the ~~[client's]~~ recipient's physical or mental condition, the ~~[client]~~
 322 recipient is unable to manage funds;

323 (b) ~~[when]~~ the provision of cash assistance directly to the ~~[client]~~ recipient would be
 324 contrary to the ~~[client's]~~ recipient's welfare; or

325 (c) ~~[when]~~ the ~~[division]~~ department is ~~[so directed by]~~ acting according to federal
 326 requirements.

327 (3) The ~~[division]~~ department shall:

328 (a) undertake or contract with other state agencies to make special efforts to protect the
 329 welfare of ~~[clients]~~ a recipient and improve ~~[their]~~ the recipient's capacity for self-care[-
 330 Periodic]; and

331 (b) periodically review ~~[of a client's]~~ a recipient's condition ~~[is required. When~~
 332 ~~conditions change,]~~ to determine whether, in the best interest of the recipient:

333 (i) cash assistance that is provided to an individual other than the ~~[client shall]~~ recipient
 334 should be discontinued ~~[or, when advisable,]; or~~

335 (ii) a legal guardian ~~[shall]~~ should be appointed~~[-, whichever action best serves the~~
 336 ~~interests and welfare of the client].~~

337 Section 10. Section **35A-3-110** is amended to read: